

06-121
DESTINY COMMUNICATIONS, LLC

EX PARTE OR LATE FILED

August 23, 2007

Kevin J. Martin, Chairman
Federal Communications Commission
445 12th Street SW, Room: 8-B201
Washington, DC 20554

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Chairman Martin,

I am writing this letter in hopes that you will personally read it and understand my dilemma as a minority broadcaster in the United States. I will try to be brief in my delivery.

My name is Darnell Washington. I have over 24 years of experience in television broadcasting. I am living in Great Falls, Montana where I acquired my first television station in November of 2004. Very briefly, my background in this business started when I was but a teenager at the age of 12 working as a janitor at KTUL-TV in Tulsa, Oklahoma. My Dad decided to take on several part time jobs to keep his family fed due to layoffs at a major aircraft company there.

From there, I was able to go through college and earn a degree from Kansas State University in Broadcast Journalism in 1978. I put myself through school with an athletic scholarship in track & field. Upon graduation, I returned to Tulsa where I was fortunate enough to begin working at the same station and was able to work my way up through the ranks to a sales position. This was indeed a big accomplishment for a young Black man in Tulsa and I was more grateful than ever for the opportunity.

However, as my competitive nature would take over, I wanted to achieve more in life than that of just being a sales person. I wanted to make good on the opportunity that was given to me. Therefore, sought out and worked my way up through several sales management and operations positions that led me to trying to develop a vision of owning and developing my own broadcast operations company called Destiny Communications, LLC.

This achievement came after several tough personal and financial sacrifices that finally led to reality of the development of this company. After I left a company in Wichita, Kansas in August of 2000, I decided to stop building companies for others and try to build one for myself. I would eventually lose my home, spend all of my savings and retirement and finally take on lower paying positions to just try and keep the bills paid. But, after a ton of research on financing, buying & developing television stations, consultation after consultation with attorneys and following steps in a book called "How to Buy a Broadcast Station" by Erwin Krasnow, (my current FCC Attorney), I was able to put together the financing to purchase this small station in Great Falls, Montana. It was certainly not the area or start that I envisioned, but, it was a start.

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I feel as though I've done something with my life but, certainly have a long haul to go before I can call this a success!

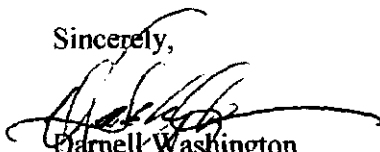
Here is a problem that seems to be an ongoing issue with my company. Since the start of this venture, I have been hit with slanderous FCC filings and obstacles from a competitor in the market. Cordillera Communications has constantly filed again and again against my company stating that I am controlled by the past owner of this station. I write to you because it has caused us undue operational issues and it continues to build up attorney fees for my company and others. Cordillera owns the dominant station in this market as well as several others in the state. Obviously, since they have been allowed by the FCC to hold several licenses in other markets, their main objective is to run my company out of the market and become the holder of other network affiliations. And frankly, Chairman Martin, I don't understand all of the legal workings of the FCC but, I am a stand alone operation just trying desperately to build a company that will serve local viewers in this market and hopefully one day, a few others.

But, this has turned into harassment! And, obviously, the current FCC ownership and operating rules allows this kind of thing to happen to smaller operators all the time. I don't understand why the FCC does not do something to help build diversity in ownership with our industry and why there are rules in place that don't defend any small operator from getting "pounced on" by larger operators. After all, it is the smaller operators who have developed the largest ideas in media for our country. (i.e., Ted Turner)

So, I guess my one request in this letter is that you and the FCC give minority operators a chance to be a part of this great industry by giving us a "level playing field" policy in development of ownership. It is already a known fact that the largest obstacle for minority ownership today is the lack of financing available just because of our skin color. The second largest obstacle is larger broadcasters trying to disable companies like mine by running them out of business and manipulating FCC rules and filings.

Very simply, why not develop funding adjustments (similar to the PAST minority tax certificates program) that will enhance the opportunities for both parties. Some type of program of this manner may cease the harassment from some larger operators and give us an opportunity to just build new companies that will be good for the industry of broadcasting, thus serving the public that much better.

Sincerely,



Darnell Washington
President-CEO

P.S. Anything you could do to stop the harassment from Cordillera would certainly help as well.

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AUG 27 2007

August 26, 2007

Commissioner Michael J. Coops
Federal Communications Commission
445 12 Street, SW
Washington DC 20554

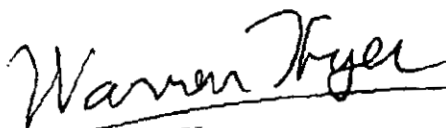
RE: FM – Serving the Public Interest or skimming off the 18-35 year old market?

Dear Commissioner Coops,

Thank you for your thoughtful conversation on *Bill Moyers Journal* Friday night,

I came across an article in this morning's (Trenton NJ) *Times* newspaper, which I thought would be of interest.

Apparently, the Public Interest served by FM radio is limited to the interests of the 18 to 35 year old market and even a group as powerful as Disney can't modify that!



Warren Hyer

Enc.

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musical acts such as Miley and Aly and AJ have found its of success — but aren't and much on the FM dial



perform on ABC's "Good Morning America" on June 22.



Sisters Aly, left, and AJ were guest hosts on MTV's "Total Request Live" Monday.

Not the 'age' of radio

By MELINDA NEWMAN
ASSOCIATED PRESS

The week Miley Cyrus debuted on top of the album charts with "Hannah Montana 2/Meet Miley Cyrus," she appeared on national morning television shows, the cover of People magazine, newspaper front pages and other media outlets. The only spot she couldn't be found was the one sure place you would expect a best-selling artist: Top 40 radio.

And she's not alone.

A league of tween-leaning acts, including The Cheetah Girls and Aly and AJ, all of whom are current or former stars of the Disney Channel, are routinely mining gold, platinum and multi-platinum CD sales while being virtually locked out at Top 40. That includes songs from the chart-topping soundtrack to "High School Musical," which was the best-selling album in 2006 and has passed the 4 million mark (the soundtrack to the TV sequel was released Aug. 14).

"We had the No. 1 album of the year and nobody seemed to pay attention in the mainstream radio world, they didn't care," says Gary Marsh, Disney Channel Worldwide's president of entertainment.

But radio might be the only entity that doesn't.

"Disney has turned itself into something of a machine in terms of promoting these acts in a very integrated way in the marketplace," says Brian Lucas, Best Buy spokesman. "They have TV exposure, ads (placement) in stores. It's almost like the lack of mainstream radio is the one area where the consumers aren't getting touched."

That's because mainstream radio, which targets a coveted 18-to-34 year-old demo, doesn't want to risk alienating its older listeners.

"Radio has a stigma about playing these acts, considering them teen and pre-teen in their appeal," says Guy Zapoleon, a radio consultant and former Top 40 programmer.

But Top 40 has shown it is not averse to playing acts the same age as many of their Disney counterparts: 19-year-old Rihanna has one of the biggest hits of the summer with "Umbrella" and Sean Kingston, also 17, scored with "Beautiful Girls."

"Their lyrical content is perceived as more adult," says Steve Greenberg, chairman of S-Curve Records and also the

music executive behind such past teen-friendly groups as Hanson and the Baha Men.

"I think it's very hard for a very young artist with very clean lyrics to find a place on Top 40. In a previous generation, the Disney artists would have found a home at Top 40. Now there's no room for records that kids like but scare off adults."

Given the lack of response at radio, Disney's music labels often don't bother to pursue airplay with the saturation at TV via the Disney Channel and at tween-aimed radio through Radio Disney.

"The Disney game plan has been don't work the soundtrack singles (from 'High School Musical' or 'Hannah Montana'). Instead, wait until the artist is on Hollywood Records doing a solo record and then go to Top 40," says Sean Ross of Edison Media Group, which monitors the radio industry. Walt Disney Records is Disney's imprint for its children/tween-oriented material, while mainstream pop and rock acts are issued on its sister, Hollywood Records.

That plan worked for Hilary Duff — to varying degrees. Her 2003 album "Metamorphosis" followed the soundtrack for

(See **TWEENS**, Page E7)